

REMARKS/ARGUMENTS

Applicants respond herein to the Office Action dated April 3, 2007.

Applicants' attorneys appreciate the Examiner's thorough search and examination of the present patent application.

Claims 1-24 are pending in this application. Claims 5, 6, 9, 10, 18 and 19 have been withdrawn from consideration. Claims 1-4, 7, 8, 11-17 and 20-24 have been rejected.

Claims 13-15 and 21-24 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

In response, claims 13-15 and 21-24 have been amended to overcome the rejection. Further, with regard to claims 23-24, the Examiner is correct in identifying "a concentric member" as the outer cylindrical clamping portion 340.

Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 1-4, 7, 8, 11-17 and 20-24 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,117,144 to Nobles et al. ("Nobles"). Reconsideration and withdrawal of this rejection are respectfully requested.

Nobles is directed to a suturing device that allows a physician to remotely seal an incision in a blood vessel or other biological tissue. The device comprises an elongated tubular body having a distal portion, which is adapted to be inserted percutaneously through the incision and into the blood vessel.

Contrarily, the present invention is directed to a suture anchor for anchoring a second tissue such as soft tissue to a first tissue such as bone without requiring the tying of a knot in the suture, which attaches the second tissue to the first tissue. In situations where ligaments or other soft tissue are being sutured to bone, a suture anchor is commonly employed.

Therefore Nobles is not an analogous art and should not be used against the claims of the present application.

In particular, claim 1 recites "the deformation causing the deformable portion to engage a wall of the borehole thereby to secure the suture anchor to the first tissue and the loop holding the second tissue to the suture anchor." Here, the recited "deformable portion" refers to the deformable portion of the suture anchor. Claim 23 recites a suture anchor that comprises "an

engaging portion for engaging with a wall of a borehole in a first tissue member.” And claim 24 recites the suture anchor being ”secured to the first tissue by the engaging portion of the suture anchor.”

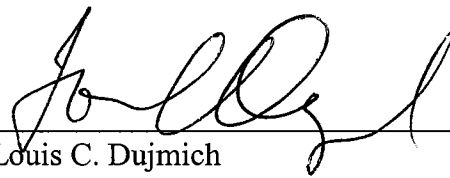
Nobles does not teach, disclose, or suggest an anchor that comprises an engaging portion for engaging with the walls of a borehole when deformed, as in each of the above quoted claim recitations. Because Noble deals solely with sealing incisions in blood vessels and does not suggest an anchor, Noble does not anticipate independent claims 1, 23, and 24 of the present application.

Claims 2-4, 8, 11-17, and 20-22 depend directly or indirectly from above discussed independent claims and are, therefore, allowable for the same reasons, as well as because of the combination of features in those claims with the features set forth in the respective independent claims.

In view of the above, it is submitted that all claims in this application are now in condition for allowance, prompt notification of which is requested.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY THROUGH
THE PATENT AND TRADEMARK OFFICE EFS
FILING SYSTEM ON June 5, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Louis C. Dujmich', is written over a horizontal line.

Louis C. Dujmich
Registration No.: 30,625
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700

LCD:JK:ck